

Attachment A

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

FINTIV, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

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C.A. No. 6:18-cv-372-ADA

JURY TRIAL DEMANDED

**AGREED SCHEDULING ORDER SUBSEQUENT
TO CASE MANAGEMENT CONFERENCE
(Case Management Conference (“CMC”) May 30, 2019)**

| DEADLINE | ITEM |
|----------------------|--|
| May 20, 2019 | Plaintiff serves preliminary ¹ infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also produce (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit. |
| June 13, 2019 | Deadline for Motions to Transfer. |
| July 25, 2019 | Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s), and (3) summary, annual sales information for the accused product(s) for the prior two years, unless the parties agree to some other timeframe. |

¹ The parties may amend preliminary infringement contentions and preliminary invalidity contentions without leave of court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served and should do so seasonably upon identifying any such material. Any amendment to add claims requires leave of court so that the Court can address any scheduling issues.

| DEADLINE | ITEM |
|---------------------------|---|
| August 8, 2019 | Parties exchange claim terms for construction. |
| August 22, 2019 | Parties exchange proposed claim constructions. |
| September 5, 2019 | Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions. |
| September 12, 2019 | Parties file Opening claim construction briefs, including any arguments that any claim terms are indefinite. |
| October 3, 2019 | Parties file Responsive claim construction briefs. |
| October 17, 2019 | Parties file Reply claim construction briefs. |
| October 24, 2019 | Parties submit Joint Claim Construction Statement, optional tutorials, and consolidated briefing collated by Opening, Response, and Reply. |
| November 8, 2019 | Markman Hearing at 9:00 a.m. in Austin, Texas. |
| November 14, 2019 | Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a). |
| December 19, 2019 | Deadline to add parties. |
| January 9, 2020 | Deadline to serve Final Infringement and Invalidity Contentions. |
| January 30, 2020 | Deadline to amend pleadings. A motion is not required unless the amendment adds patents or claims. |
| March 26, 2020 | Deadline to serve privilege log |
| April 23, 2020 | Deadline for plaintiff to narrow the number of claims asserted. |
| April 23, 2020 | Close of Fact Discovery. |
| May 7, 2020 | Opening Expert Reports. Deadline for defendant to narrow the number of prior art references at issue. |
| June 11, 2020 | Rebuttal Expert Reports. |
| July 16, 2020 | Close of Expert Discovery. |
| August 6, 2020 | Dispositive motion deadline and <i>Daubert</i> motion deadline. |
| August 20, 2020 | Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, designations). |
| September 3, 2020 | Serve objections to pretrial disclosures/rebuttal disclosures. |
| September 10, 2020 | Serve objections to rebuttal disclosures and File Motions <i>in limine</i> . |
| September 17, 2020 | File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, designations); file oppositions to motions <i>in limine</i> . |
| September 24, 2020 | Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> . |

| DEADLINE | ITEM |
|----------------------------|---|
| October 5, 2020 | File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> . |
| October 8, 2020 | Final Pretrial Conference. |
| October 12-26, 2020 | Jury Selection/Trial. |

SIGNED this ____ day of _____, 2019.

ALAN D. ALBRIGHT
UNITED STATES DISTRICT JUDGE

AGREED TO:

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